

UNITED STATES DISTRICT COURT
for the
District of Arizona

DA
4/3/17
United States of America
v.
Francisco Jose Alvarez-Ayon,
a.k.a.: Jose Alvarez-Ayon,
a.k.a.: Francisco Alvarez-Ayon,
a.k.a.: Francisco Ayon,
(A076 729 938)
Defendant

Case No. 17-7550MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 5, 2014, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Francisco Jose Alvarez-Ayon, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Calexico, California, on or about October 14, 1997, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for Brooke T. Afshari

☒ Continued on the attached sheet.



Complainant's signature

Marcus D. Leggett,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 6, 2017



Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge

Printed name and title

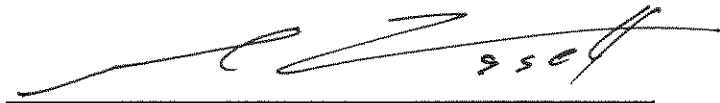
STATEMENT OF PROBABLE CAUSE

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On November 5, 2014, Francisco Jose Alvarez-Ayon was booked into the Maricopa County Jail (MCJ) by the Gilbert Police Department on local charges. While in custody at the MCJ, Alvarez-Ayon was encountered by ICE officer M. Karakey who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On November 3, 2017, Alvarez-Ayon was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Alvarez-Ayon was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Francisco Jose Alvarez-Ayon to be a citizen of Mexico and a previously deported alien. Alvarez-Ayon was removed from the United States to Mexico through Calexico, California, on or about October 14, 1997, pursuant to an order of removal issued by an immigration official. There is no record of Alvarez-Ayon in any Department of Homeland Security database to suggest that he

obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Alvarez-Ayon's immigration history was matched to him by electronic fingerprint comparison.

4. On November 3, 2017, Francisco Jose Alvarez-Ayon was advised of his constitutional rights. Alvarez-Ayon freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about November 5, 2014, Francisco Jose Alvarez-Ayon, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Calexico, California, on or about October 14, 1997, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Marcus D. Leggett,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 6th day of November, 2017.



Bridget S. Bade,
United States Magistrate Judge